

## **REMARKS**

Claims 1-9 are pending in the application.

Applicant's undersigned attorney thanks the Examiner for the courtesies extended to applicant's undersigned attorney in the telephone interview conducted with the Examiner on January 9, 2008. The interview was fruitful in that applicant's undersigned attorney was able to explain the invention in greater detail in a way that was believed to be understandable by the Examiner.

In particular, the Examiner's attention was directed to FIGS. 2-4 of applicant's drawings to discuss the invention. As applicant's undersigned attorney explained, FIG. 2 shows the recording of a frame of still image data in an SD mode where a number of lines or tracks (e. g. 10) per frame are recorded over an area of the recording medium in a predetermined recording period (e. g., 6.5 sec). FIG. 3, in turn, shows the recording of a frame of still image data in a lower speed SDL mode where a smaller number of lines or tracks (e. g., 5) per frame are recorded over a smaller area in the same predetermined recording period (e. g., 6.5 sec).

As applicant's undersigned attorney explained, when each of these images has to be reproduced by detecting PPID data which is recorded overlying the still image data, the smaller area of the still image data recorded in the SDL mode makes it difficult to detect the PPID data and thus the still image data. This is shown by the detection points 305 and 306 in FIG. 3 as compared to the detection points 205 and 206 in FIG. 2.

In order to facilitate detection of the still image data recorded in the SDL mode, applicant's invention uses a larger recording period for the still image data in this mode as compared to the SD mode. Thus, as shown in FIG. 4, the larger recording period (e. g. 8.5 sec)

results in a larger recording area for the frame of still image data, thus providing an increased area for searching for the PPID. This makes it easier to identify the PPID and associated still image data as is evidenced by the points 405 and 406 in FIG. 4 as compared to the points 305 and 306 in FIG. 3.

The Examiner is believed to have appreciated this distinction when it was discussed in the interview. Moreover, applicant's undersigned attorney then pointed out that the two cited references, the Imai, et al. patent (U.S. Patent No. 6,771,882) and the Kori, et al. patent (U.S. Patent no. 5,513,010), did not recognize the problem being solved by applicant's invention and simply did not teach or suggestion the above feature for solving it. Thus, neither of these patents taught or suggested using a first recording period for recording still image data recorded in a first recoding mode recording data of a first information quantity per time (the SDL mode) and a second shorter recording period for recording still image data of a larger second information quantity per time (the SD mode).

Specifically, applicant's noted that the Imai, et al. patent did have an extensive discussion of the SD and SDL modes. In particular, the patent mentioned that in the SDL mode the recording medium was moved at half the speed of the SD mode so that in the SDL mode you can have twice the recording time. The Imai, et al. patent also mentioned that in the SD mode a larger number of lines or tracks per frame (e.g., 10) was recorded than in the SDL mode (e.g., 5 lines or tracks per frame). However, it was pointed out to the Examiner that none of this teaching addressed the problem being solved by applicant, let alone did it teach or suggest the distinctive feature of the invention of using a shorter recording period for still image data in the SD mode as compared to the SDL mode. This is true regardless of the fact

that the Imai, et al. patent teaches that the overall recording time in the SD mode is shorter than the overall recording time in the SDL mode.

Furthermore, the Kori, et al. patent merely disclosed recording of PPIDs for still image data and recording this data in a given period of time. Again, it was pointed out that these teachings fail to supplement the SD and SDL teachings in the Imai, et al. patent and, in particular, failed to direct the person of skill in the art to use any particular period for recording still image data, let alone to use a period for recording still image data in the SD mode which is shorter than that used for recording still image data in the SDL mode.

The Examiner appeared to have understood these arguments as evidenced by the Examiner's Interview Summary mailed on January 30, 2008 in which the Examiner stated that the "[p]roposed amendments seem to overcome the prior art rejection." The Examiner further stated in the Summary that "[a] further search and consideration is needed for amended claim 1."

The Examiner has now conducted a further search and based on the Examiner's further search, the subject Action has been issued in which the Examiner has now added to the Imai, et al and Kori. et al. patents, the Hori, et al. patent (US Patent No. 6,263,148). In particular, the Examiner has now rejected applicant's claims 1-9 under 35 USC 103(a) as unpatentable based on these three references. This rejection is respectfully traversed.

The Examiner has argued as follows with respect to the Hori, et al. patent:

"Hori et al teaches a system wherein two recording modes are processed as described in Column 1 Lines 38+. The controlling means based on the mode being used determines the recording period of each mode as described in column 2 Lines 12-45 and Column 4 Lines 1-46. The control of recording period allows for proper recording of the data based on the recording instructions received by the system. Therefore, it would have been

obvious to one of ordinary skill in the art at the time of the invention to use the recording apparatus as disclosed by Imai and further incorporate a system with the control means to control two recording modes, as taught by Hori et al, to allow for proper management of data for recording.”

While applicant understands the Examiner’s above remarks, it is apparent that the modes that the Examiner mentions as disclosed by the Hori, et al. patent are the SD and SDL recording modes. It also apparent from the Hori, et al. patent that what the patent describes about the SD and SDL modes is much the same as what is described in the Imai, et al. patent about these modes, i.e., that the SDL mode is carried out at half the speed of the SD mode, that the SDL mode has a recording time twice that of the SD mode and that in the SDL mode 5 lines or tracks per frame are recorded and in the SD mode 10 lines or tracks per frame are recorded. The Hori, et al. patent thus discloses no more than the Imai, et al. patent. Specifically, that recording can occur in two modes, SD and SDL, and that the recording period for the SDL mode is twice that of the SD mode because the recording medium travels at half the speed.

Thus, like the Imai, et al. patent and also like the Kori, et al. patent, the Hori, et al. patent fails to deal with the problem dealt with by applicant’s invention as to how to improve operation of a system employing the SD and SDL recording modes so as to be better able to reproduce recorded still image data. In particular, there is nothing in the Kori, et al. patent to direct the skilled artisan to modify the system of the Imai, et al. patent so that the recording period used to record still image data recorded in the SD mode is made shorter than the recording period used to record still image data in the SDL mode.

While the Hori, et al. patent teaches that you can set a period for recording still image data that teaching simply would not lead a skilled artisan to set the recording periods as is specifically required in the claimed invention. Similarly, the fact that the Imai, et al. and Kori,

et al. patents teach that the overall recording time in the SD mode is shorter than the overall recording time in the SDL mode would not, in and of itself, direct a skilled artisan to use a recording period for recording still image data in the SD mode which is shorter than the recording period used to record still image data in the SDL mode.

Thus, applicant's independent claims 1 and 9, and their respective dependent claims, in reciting in one form or another "setting a first recording mode for recording image data having a first information quantity per unit time, and a second recording mode for recording image data having a second information quantity larger than the first information quantity per unit time. . . controlling said recording . . . to start recording on the recording medium still image data in response to a recording instruction of the still image . . . and to stop recording the still image data a predetermined recording period after the recording was started, wherein said control . . . changes the predetermined recording period between a first predetermined period and a second predetermined period shorter than the first predetermined period in accordance with the recording mode set . . . so that said recording . . . starts recording on the recording medium the still image data in response to the recording instruction of the still image . . . and stops recording the still image data at the first predetermined period after the recording was started when the first recording mode is set . . . , and starts recording on the recording medium the still image data in response to the recording instruction of the still image . . . and stops recording the still image data at the second predetermined period after the recording was started when the second recording mode is set", patentably distinguish over the combination of the Imai, et al., Kori, et al. and Hori, et al. patents.

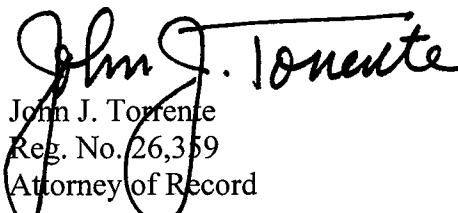
In view of the above, it is submitted that applicant's claims patentably distinguish over

the cited art of record. Accordingly, reconsideration of the claims is respectfully requested.

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Respectfully submitted,

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